

**BEFORE THE  
COMMUNICATIONS  
WASHINGTON, D.C.**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

# PETITION FOR RULE MAKING

High Plains Broadcasting, Inc. (“HPBI”), by its attorneys and pursuant to Section 1.401 of the Commission’s Rules, respectfully requests that the Commission institute a rule making proceeding to allot Channel 256C to Gackle, North Dakota.

As set forth in the attached Technical Exhibit, which is incorporated by reference herein, this proposal will serve the public interest. The allotment of Channel 256C to Gackle, North Dakota, will provide that community with its first local aural transmission service. Gackle, a census designated city of 450 persons, see *1990 Census of Population and Housing, North Dakota* at 38 (1993), is located 29 miles southwest of (and in a different county than) Jamestown, North Dakota. The community, which elects its own mayor and city council and has its own zip code and post office (58442), also is the site of the Gackle Streeter Public School and maintains a volunteer fire department. Commercially, Gackle has a number of business enterprises, including the First State Bank of Gackle, two hair stylists, a laundromat, D&L's Gackle Super Valu (a retail grocer), the Gackle Grain Co-op, the Gackle Co-op Oil Company, Miller Oil Bulk & Service Station, Julie's Country Cafe, and the Gackle Tastee Freez. Gackle also boasts its own weekly newspaper -- the Tri-County News --

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as well as its own senior center and a full-time community health clinic. At least three religious denominations maintain buildings and services in Gackle, namely the Gackle Assembly of God, Emmanuel Luthern Church and the Grace Baptist Church. In addition, Gackle has its own social organizations, including a Little League, an American Legion group and a Lions Club. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrate that Gackle is a community deserving of its own aural transmission service. See, e.g., *Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991).

The above proposal would enable Gackle to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. Accordingly, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making as herein requested and thereafter adopt such a proposal.

Respectfully submitted,

**HIGH PLAINS  
BROADCASTING, INC.**

By:   
F. William LeBeau

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Its Attorneys

November 17, 1998

TECHNICAL EXHIBIT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
GACKLE, NORTH DAKOTA

Technical Narrative

This technical narrative and associated exhibits have been prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 256C (99.1 MHz) to Gackle, North Dakota.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 256C to Gackle, North Dakota. Gackle is located in Logan County, North Dakota and has a 1990 U.S. Census population of 450 persons. Gackle has no local FM stations and no local AM stations. Therefore, Petitioner's proposal would be a first local FM broadcast service and first local aural broadcast service to Gackle. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Gackle, North Dakota	--	256C

The proposed channel 256C reference point is located 231 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada may be necessary.

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 256C at Gackle. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed stations and allotments.

Figure 2 is a map showing the area to locate channel 256C at Gackle in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on minimum Class C facilities (ERP 100 kW/HAAT 300 m). The Gackle city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 256C can be allotted to Gackle, North Dakota in compliance with all applicable Commission Rules.

  
W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.  
240 North Washington Blvd.  
Suite 700  
Sarasota, Florida 34236

November 9, 1998

Figure 1

TECHNICAL EXHIBIT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
GACKLE, NORTH DAKOTA

FM SEPARATION STUDY

Job Title : Proposed Gackle, ND

Separation Buffer 50 km

FCC DB Date : 11/07/98

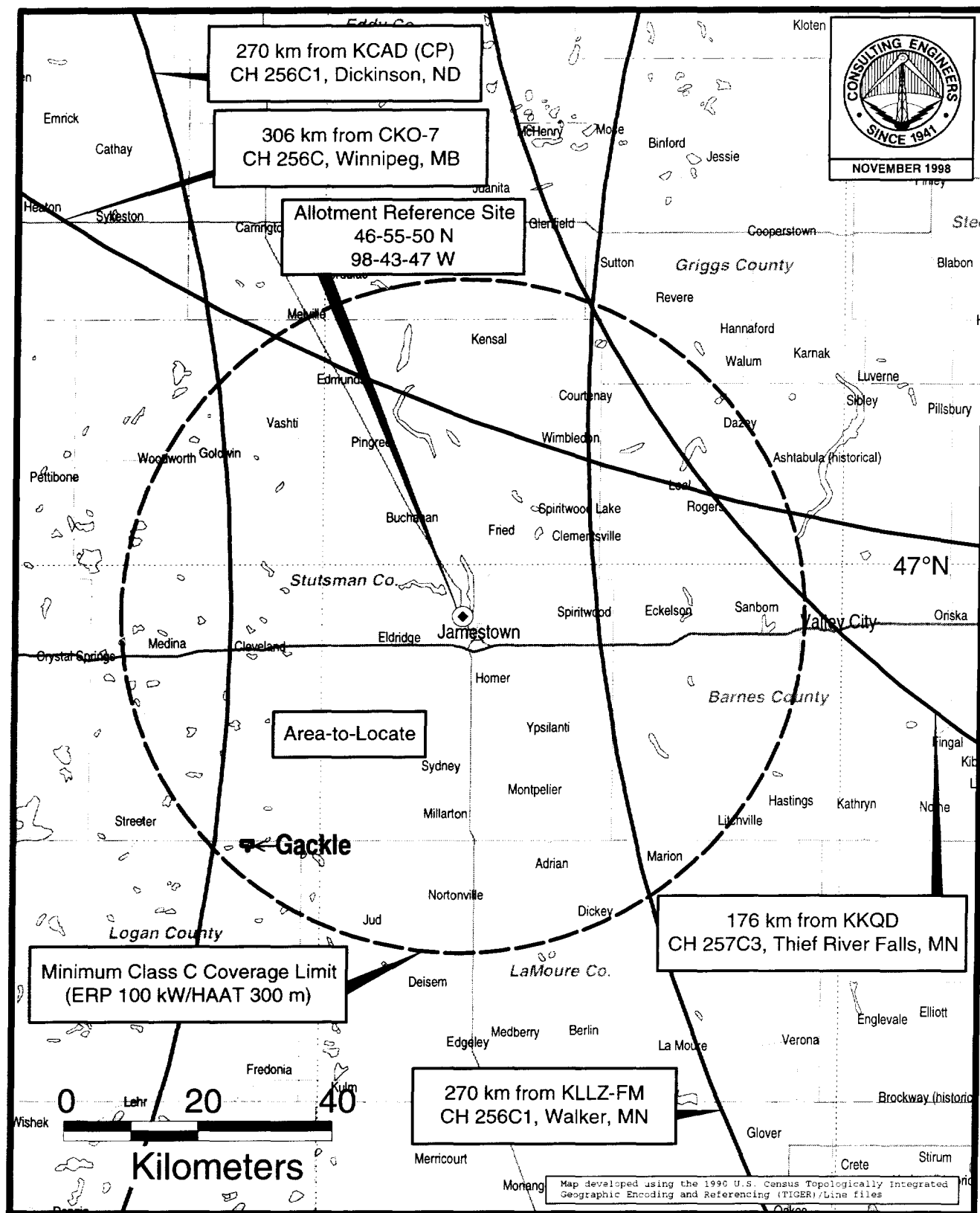
Channel 256C ( 99.1 MHz)

Coordinates : 46-55-50 98-43-47

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KACL LIC	Bismarck ND	BLH971017KD	254C1 98.7	100. 253.0	46-35-25 100-47-47	257.2	162.37 57.37	105 CLEAR
KZNC LIC	Huron SD	BMLH950804KZ	256A 99.1	3.00 56.0	44-20-46 98-12-34	171.8	290.09 64.09	226 CLEAR
KLLZFM LIC	Walker MN	BLH940302KA	256C1 99.1	100. 150.0	47-12-42 94-55-02	82.4	291.27 21.27	270 CLEAR
KCAD LIC	Dickinson ND	BLH961113KC	256C1 99.1	51. 181.0	46-56-09 102-43-55	271.6	304.78 34.78	270 CLEAR
KCAD CP	Dickinson ND	BPH970710IH	256C1 99.1	100. 242.0	46-56-09 102-43-55	271.6	304.78 34.78	270 CLEAR
	Winnipeg MB		256C 99.1	.0	49-44-56 97-08-38	19.9	334.72 28.72	306 CLEAR
CKO-7	Winnipeg MB		256C 99.1	100. 157.0	49-44-56 97-08-38	19.9	334.72 28.72	306 CLEAR
KKDQ LIC	Thief River Falls MN	BLH951030KC	257C3 99.3	18.0 118.0	48-03-22 96-22-23	53.9	217.25 41.25	176 CLEAR
Class B with respect to Canada-Specially negotiated short-spaced allotment.								
ALC	Sisseton SD		258C2 99.5	.0	45-34-49 97-07-38	140.0	194.42 89.42	105 CLEAR
K259AF LIC	Bismarck ND	BLFT960617TF	259D 99.7	.05 56.0	46-48-20 100-47-05	265.7	157.31 .00	0 TRANS
Translator for KQDY, Bismarck, ND								

\*\* End of separation study for channel 256C \*\*

Figure 2




**AREA-TO-LOCATE**  
**CHANNEL 256C**  
**GACKLE, NORTH DAKOTA**  
 du Treil, Lundin & Rackley, Inc., Sarasota, Florida

**DECLARATION OF MICHAEL HALL**

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel requested in the attached Petition upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
Michael Hall

Executed this 16<sup>th</sup> day of November, 1998.